

REMARKS

In response to the Restriction Requirement mailed February 2, 2004, Applicant hereby elects Species I, which, according to the Examiner, corresponds to "wherein the nucleus augmentation material comprises a liquid." Further, Applicant hereby elects Sub-Species i, which, according to the Examiner, corresponds to "wherein the nucleus augmentation material is independent of the anulus augmentation device."

Claims 1-8, 10-22, 43-47, and 55-61 in the current application are readable on at least this elected species and sub-species, and Applicant hereby respectfully requests that the Examiner examine these claims on the merits.

Applicant respectfully submits that several or all of the non-elected embodiments may also fall within the scope of Claims 1-8, 10-22, 43-47, and 55-61, and Applicant reserves the option to advance that analysis in the future should the issue arise. Moreover, Applicant reserves the right to present additional claims to such embodiments, including, but not limited to, Claims 9 and 23-42 which have been withdrawn herein.

CONCLUSION

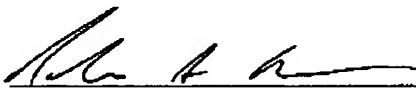
In view of the foregoing remarks, Applicant respectfully asserts that the present application is fully in condition for allowance. If any issues remain that may be addressed by a phone conversation, the Examiner is invited to contact the undersigned at the phone number indicated below.

Appropriate fees have been submitted herewith. No further fees are believed to be due. However, please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: February 18, 2004

By: 
Salima A. Merani
Recognized under 37 CFR § 10.9(b)
2040 Main Street
Fourteenth Floor
Irvine, CA 92614
(949) 760-0404

H:\DOCSSAMSAM-4113.DOC
021804